

**REMARKS/ARGUMENTS**

This responds to the office action mailed on February 25, 2005. Claims 1-17 are pending in the present application. Claims 7-17 are cancelled. Claims 1-6 are rejected. Reconsideration and allowance of the claims is respectfully requested in view of the following remarks.

**The 35 U.S.C. §102(e) Rejections**

The Examiner rejected claims 1-6 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,042,078 to Oshikoshi et al. (Oshikoshi).

Oshikoshi discloses a method of effecting gradation and color correction of a composite image. A gradation correction is carried out by the use of linear table data written in a look-up table for computer graphic images and non-linear table data for human subject images. Abstract.

Claim 1 recites:

**A brightness controlling apparatus, comprising:  
an evaluator for detecting a feature of a certain window displayed on a screen of a display unit; and  
a display controller for controlling the brightness of said screen of said display unit according to said feature of said window, detected by said evaluator.**

The Examiner cites Figure 1 of Oshikoshi and col. 4., lines 50-55. The Examiner states that “an evaluator (29) for detecting a feature of a certain window displayed on a screen of a display unit (Fig. 1, col. 4 lines 50-55); and a display controller (18) for controlling the brightness of said screen of said display unit according to said feature of said window, detected by said evaluator (Fig. 1, col. 4 lines 50-55).”

Applicant respectfully disagrees with the Examiner. Oshikoshi fails to teach or suggest “an evaluator for detecting a feature of a certain window displayed on a screen of a display unit,” as recited in claim 1. The selector 29 of Oshikoshi, which the Examiner indicates is the

equivalent to the evaluator recited in claim 1, is switched by the controller 18 so as to selectively transmit the composite image signals to a CRT driver 30 by color. This 'selection' of colors in Oshikoshi is needed in order to sequentially insert three primary color filters so as to create a monochromatic composite image to which said photographic paper is exposed in sequence. In such a way, the photographic paper 34 is exposed to three different monochromatic composite images, namely red, green and blue images. Col. 4, lines 61-68. In contrast, the evaluator of claim 1 is "for detecting a feature of a certain window displayed on a screen of a display unit..." Selective transmission of composite image signals to a CRT driver (Oshikoshi) is clearly different from detecting a feature of a certain window displayed on a screen of a display unit, as recited in claim 1.

Furthermore, the controller 18 of Oshikoshi is not "controlling the brightness of said screen of said display unit according to said feature of said window," (emphasis added) as recited by claim 1. Controlling brightness is not a function of controller 18. "The controller 18 comprises a computer and controls operation of various elements under a programmed sequence of operation according to instructions entered through the keyboard 48. The controller 18 can change areas of the frame memory 15 from which image data is read out by an instruction entered through the keyboard 48 and can perform data interpolation and/or data thinning so as to thereby change the size of a human subject image to be inlaid." Col. 5, ll. 16-25. The Applicant was unable to find any mention of Oshikoshi teaching or reciting "controlling the brightness of said screen of said display unit according to said feature of said window," (emphasis added) as recited by claim 1.

Claim 1 is an independent claim and is in condition for allowance. Because the secondary references stand or fall with the primary references, claims are allowable because they

are dependent upon the allowable independent claims. Claims 2-6 depend from claim 1 and are therefore in condition for allowance.

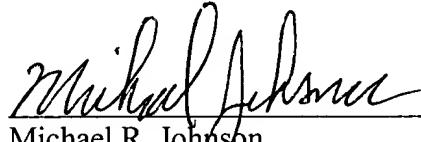
Accordingly Applicant respectfully requests reconsideration and allowance of claims 1-6 as now presented.

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,  
SAWYER LAW GROUP LLP

May 25, 2005

Date

A handwritten signature in black ink, appearing to read "Michael R. Johnson", is written over a horizontal line.

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